

Appl. No. 10/784,994
Response dated January 12, 2006

274.43167X00

REMARKS / ARGUMENTS

Claims 1-28 remain pending in this application. No claims have been canceled or added.

35 U.S.C. § 103

Claims 1-11 and 15-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mimatsu et al (U.S. Pub. No. 2004/0111485). Claims 12-14 and 26-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mimatsu et al as applied to claims 1-11 and 15-25 and further in view of in view of Ofek et al (U.S. Patent No. 5,889,935). These rejections are traversed as follows.

Applicants respectfully request that these rejections be withdrawn since Mimatsu et al is not available as a reference under 35 U.S.C. §103. The present application and the publication to Mimatsu et al were, at the time the claimed invention was made, commonly owned or subject to an obligation of assignment to the same entity, and the publication to Mimatsu et al only qualifies as prior art under 35 U.S.C. §102(e). Therefore, it cannot be used in a rejection under 35 U.S.C. §103. The Examiner is hereby invited to contact the undersigned with any questions.

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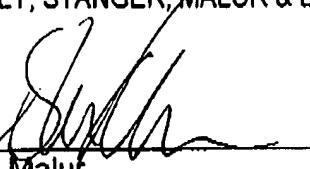
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Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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